

Cultural Resource Laws, Regulations and Director's Orders

1935 Establishment of a National Monument on the site of Fort Stanwix

Established Fort Stanwix National Monument “...for preservation as a national monument for the benefit and inspiration of the people...”

1916 National Park Service Organic Act

Congress created the National Park Service and prescribed that the “*fundamental purpose*” of national parks, monuments and other reservations is “*to conserve the scenery, and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same...as will leave them unimpaired for the enjoyment of future generations.*”

Antiquities Act of 1906

Provided for protection of historic, prehistoric, and scientific features on federal lands, with penalties for unauthorized destruction or appropriation of antiquities; authorized the President to proclaim national monuments; authorized scientific investigation of antiquities on federal lands subject to permit and regulations.

Historic Sites Act of 1935

Declared “*a national policy to preserve for public use historic sites, buildings, and objects . . .*”; authorized the NPS to “*restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and . . . establish and maintain museums in connection therewith*”; authorized cooperative agreements with other parties to preserve and manage historic properties.

Management of Museum Properties Act of 1955

This Act authorized the Secretary of the Interior through the National Park Service to: preserve the objects found in individual national parks; provide public access to those materials through museums; and accept donations or bequests of museum properties, purchase them from donated funds, exchange them, and receive and grant museum loans.

National Historic Preservation Act of 1966

Declared a national policy of historic preservation, including the encouragement of preservation on the state and private levels; authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places including properties of state and local as well as national significance; authorized matching federal grants to the states and the National Trust for Historic Preservation for surveys and planning and for acquiring and developing National Register properties; established the Advisory Council on Historic Preservation; required federal agencies to consider the effects of their undertakings on National Register properties and provide the Advisory Council opportunities to comment (Section 106).

National Environmental Policy Act of 1969

Declared a federal policy to “*preserve important historic, cultural, and natural aspects of our national heritage*”; required federal agencies to “*utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences . . . in planning and in decision making which may have an impact on man's environment.*”

Archeological and Historic Preservation Act of 1974

Provided for the preservation of significant scientific, prehistoric, historic, and archeological materials and data that might be lost or destroyed as a result of federally sponsored projects; provided that up to one percent of project costs could be applied to survey, data recovery, analysis, and publication.

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General Authorities Act of 1976

Allowed the Secretary of the Interior *"to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects."*

Archaeological Resources Protection Act of 1979

Defined archeological resources as any material remains of past human life or activities that are of archeological interest and at least 100 years old; required federal permits for their excavation or removal and set penalties for violators; provided for preservation and custody of excavated materials, records, and data; provided for confidentiality of archeological site locations; required development of plans for surveying public lands for archeological resources and systems for reporting incidents of suspected violations.

36 CFR 2.5: (NPS Act of 1916)

States conditions under which park superintendents may permit collection of plants, fish, wildlife, rocks, and minerals, including museum catalog requirements; *"Except as otherwise provided in this chapter, the following is prohibited: (1) Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: ... (iii) Nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof... (5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue, except in designated areas and under conditions established by the superintendent. (6) Possessing, destroying, injuring, defacing, removing, digging, or disturbing a structure or its furnishing or fixtures, or other cultural or archeological resources. (7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or subbottom profiler."*

36 CFR 79: Curation of Federally Owned and Administered Archeological Collections

Provided standards, procedures and guidelines to be followed by Federal agencies in preserving and providing adequate long-term curatorial services for archeological collections of prehistoric and historic artifacts and associated records that are recovered under Section 110 of the NHPA, the Reservoir Salvage Act, ARPA and the Antiquities Act.

36 CFR 800: Protection of Historic and Cultural Properties

Included regulations of the Advisory Council on Historic Preservation to implement Section 106 of the National Historic Preservation Act.

43 CFR 7, Subparts A and B: Protection of Archeological Resources, Uniform Regulations and Department of the Interior Supplemental Regulations

Provided definitions, standards, and procedures for federal land managers to protect archeological resources and provided further guidance for Interior bureaus on definitions, permitting procedures, and civil penalty hearings.

Director's Order 24, "Standards for NPS Museum Collections Management,"

Established mandatory standards for preserving, securing, protecting, and documenting NPS museum collections.

Director's Order 26, "Projects Must Fund Basic Preservation of Museum Collections They Generate,"

Provided guidance to ensure that projects that generate museum collections include sufficient funding for documentation and basic preservation of those collections.

Director's Order 28 "Cultural Resource Management"

Provided guidance on stewardship of cultural resources within NPS units stating: *The NPS will protect and manage cultural resources in its custody through effective research, planning, and stewardship and requires that Federal land managers establish a program to increase public awareness of the significance of archeological resources and the need to protect such resources. Individual superintendents at parks with recognized archeological resources will incorporate information about these topics in park interpretive programs.*